

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In Re:	) Chapter 7 Case No. 05-96582
	)
Ominicka Hill	) Bankruptcy Judge Pat E. Morgenstern-Clarren
	)
Debtor	)

**MOTION TO DISMISS**

Now comes Sheldon Stein, the Chapter 7 Trustee herein, and moves the court, pursuant to 11 U.S.C. §707(a), for an order dismissing this case. In support of this motion, the movant respectfully represents to the court as follows:

1. This case was filed by the debtor on October 16, 2005, as a proceeding under Chapter 7 of Title 11, U.S.C. Thereafter the movant was appointed trustee.
2. The §341 meeting of creditors in the Chapter 7 proceeding was scheduled for January 20, 2006, but the debtor failed to appear for examination. Thereafter the §341 examination was adjourned to February 6, 2006, but the debtor also failed to appear for examination on that date.
3. 11 U.S.C. §707(a)(1) provides that the court may, after notice and a hearing, dismiss a Chapter 7 case for cause, including unreasonable delay by the debtor which is prejudicial to creditors. The failure of the debtor to appear at the §341 meeting of creditors constitutes unreasonable delay which is prejudicial to the orderly administration of the debtor's estate and to creditors generally.
4. Based upon the aforesaid, the movant respectfully moves the court for an order dismissing this case.

WHEREFORE, the movant respectfully moves the court for an order dismissing this case, and for such other relief as the court deems just.

/s/ Sheldon Stein  
Sheldon Stein, Trustee (0007292)  
400 Terminal Tower  
Post Office Box 5606  
Cleveland, OH 44101  
(216) 696-7449

Service

A copy of this document was sent electronically to the debtor's counsel, if any, and by regular U.S. mail on February 12, 2006, to the debtor Ominicka Hill, 16111 W. Park Road, Cleveland, OH 44110. A hearing is scheduled on the foregoing motion in courtroom 2A of the United States Bankruptcy Court, H. M. Metzenbaum U.S. Court House, 201 Superior Avenue, Cleveland, Ohio 44114, on March 30, 2006, at 8:30 a.m. to consider any written opposition to this matter which is filed and served no later than seven calendar days preceding the date scheduled for such hearing. If no opposition to this matter is filed and served within such time, the objection may be sustained without a hearing.

/s/ Sheldon Stein  
Sheldon Stein, Trustee